

Juanita R. Brooks (CA Bar No. 75934) (brooks@fr.com)
Lara S. Garner (CA Bar No. 234701) (lgarner@fr.com)
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070 / Fax: (858) 678-5099

Craig E. Countryman (CA Bar No. 244601) (countryman@fr.com)
FISH & RICHARDSON P.C.
555 W. 5th Street, 31st Floor
Los Angeles, California 90013
Telephone: (213) 533-4240 / Fax: (213) 996-8304

Jonathan E. Singer (CA Bar No. 187908) (singer@fr.com)
Michael J. Kane (pro hac vice) (kane@fr.com)
FISH & RICHARDSON P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
Telephone: (612) 335-5070 / Fax: (612) 288-9696

Susan M. Coletti (pro hac vice) (coletti@fr.com)
Elizabeth M. Flanagan (pro hac vice) (eflanagan@fr.com)
FISH & RICHARDSON P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19899
Telephone: (302) 652-5070 / Fax: (302) 652-0607

Attorneys for Plaintiffs
ALLERGAN USA, INC. and
ALLERGAN INDUSTRIE, SAS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ALLERGAN USA, INC., and
ALLERGAN INDUSTRIE, SAS,

Plaintiffs,

v.

MEDICIS AESTHETICS, INC.,
MEDICIS PHARMACEUTICAL CORP.,
VALEANT PHARMACEUTICALS
NORTH AMERICA LLC,
VALEANT PHARMACEUTICALS
INTERNATIONAL, VALEANT
PHARMACEUTICALS
INTERNATIONAL, INC., AND
GALDERMA LABORATORIES, L.P.

Defendants.

Case No. 8:13-cv-01436 AG (JPRx)

**DECLARATION OF ELIZABETH
M. FLANAGAN IN SUPPORT OF
PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
LEAVE TO FILE A THIRD
AMENDED COMPLAINT**

Date: January 12, 2015

Time: 10:00 am

Ctrm: 10D

Judge: Hon. Andrew J. Guilford

1 I, Elizabeth M. Flanagan, declare as follows:

2 1. I am an attorney at Fish & Richardson P.C., and have been admitted
3 *pro hac vice* in the above-captioned litigation as counsel for Plaintiffs Allergan
4 USA, Inc., and Allergan Industrie, SAS (“Allergan”).

5 2. On December 16, 2014, I conferred with counsel for Defendants, who
6 consented to the January 12, 2015 hearing date under which Defendants’ opposition
7 papers would be due twenty days before the hearing date and Allergan’s reply
8 papers would be due fourteen days before the hearing date, which only impacts the
9 length of time for Allergan to file its reply papers.

10 3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from
11 Defendants’ Response to Plaintiffs’ First Set of Requests for Production Nos. 1-88,
12 served February 24, 2014.

13 4. Attached hereto as Exhibit 2 is a true and correct copy of
14 correspondence from Defendants’ counsel to Plaintiffs’ counsel, dated September
15 12, 2014.

16 5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from
17 Defendants’ Response to Plaintiffs’ First Set of Interrogatories Nos. 1-15, served
18 February 24, 2014.

19 6. Attached hereto as Exhibit 4 is a true and correct copy of
20 correspondence from Plaintiffs’ counsel to Defendants’ counsel, dated May 30,
21 2014.

22 7. Attached hereto as Exhibit 5 is a true and correct copy of
23 correspondence from Defendants’ counsel to Plaintiffs’ counsel, dated June 16,
24 2014.

25 8. Attached hereto as Exhibit 6 is a true and correct copy of
26 correspondence from Plaintiffs’ counsel to Defendants’ counsel, dated July 24,
27 2014.

1 9. Attached hereto as Exhibit 7 is a true and correct copy of
2 correspondence from Defendants' counsel to Plaintiffs' counsel, dated July 31,
3 2014.

4 10. Attached hereto as Exhibit 8 is a true and correct copy of
5 correspondence from Plaintiffs' counsel to Defendants' counsel, dated August 4,
6 2014.

7 11. Attached hereto as Exhibit 9 is a true and correct copy of
8 correspondence from Defendants' counsel to Plaintiffs' counsel, dated August 8,
9 2014.

10 12. Attached hereto as Exhibit 10 is a true and correct copy of
11 correspondence from Plaintiffs' counsel to Defendants' counsel, dated August 13,
12 2014.

13 13. Attached hereto as Exhibit 11 is a true and correct copy of email
14 correspondence between Plaintiffs' counsel and Defendants' counsel, dated August
15 22, 2014.

16 14. Attached hereto as Exhibit 12 is a true and correct copy of excerpts
17 from an intellectual property license agreement, bearing bates numbers
18 VAL0091120, VAL0091156, and VAL0091158-VAL0091159.

19 15. Attached hereto as Exhibit 13 is a true and correct copy of excerpts
20 from a supply agreement, bearing bates numbers VAL0090903, VAL0090911-
21 VAL0090916, and VAL0090922-VAL0090923.

22 16. Attached hereto as Exhibit 14 is a true and correct copy of an
23 agreement and amendments to license and supply agreements, bearing bates
24 numbers VAL0090885-VAL0090902.

25 17. Attached hereto as Exhibit 15 is a true and correct copy of
26 correspondence dated January 28, 2013 that Q-Med sent to Valeant in Irvine,
27 California, and Medicis, bearing bates numbers VAL0125872-VAL0125882.

1 18. Attached hereto as Exhibit 16 is a true and correct copy of excerpts
2 from the Petition for Inter Partes Review for U.S. Patent No. 8,450,475.

3 19. Attached hereto as Exhibit 17 is a true and correct copy of excerpts
4 from the Petition for Inter Partes Review for U.S. Patent No. 8,357,795.

5 20. Attached hereto as Exhibit 18 is a true and correct copy of redacted
6 email correspondence between Plaintiffs' counsel and Defendants' counsel, dated
7 October 13, 2014 through December 1, 2014.

8 21. Attached hereto as Exhibit 19 is a true and correct copy of
9 correspondence from Defendants' counsel to Plaintiffs' counsel, dated October 13,
10 2014.

11 22. Attached hereto as Exhibit 20 is a true and correct copy of
12 correspondence from Defendants' counsel to Plaintiffs' counsel, dated October 23,
13 2014.

14 23. Attached hereto as Exhibit 21 is a true and correct copy of
15 correspondence from Defendants' counsel to Plaintiffs' counsel, dated October 31,
16 2014.

17 24. Attached hereto as Exhibit 22 is a true and correct copy of excerpts
18 from Defendants' Responses and Objections to Plaintiffs' First Notice of 30(b)(6)
19 Deposition of Defendants, served November 25, 2014.

20 25. Attached hereto as Exhibit 23 is a true and correct copy of
21 correspondence from Plaintiffs' counsel to Defendants' counsel, dated March 7,
22 2014.

23 26. Attached hereto as Exhibit 24 is a true and correct copy of
24 correspondence from Plaintiffs' counsel to Defendants' counsel, dated April 15,
25 2014.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on December 16, 2014 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Elizabeth M. Flanagan
Elizabeth M. Flanagan